

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>ADVANCEME, INC.</b>	§	
	§	<b>Civil Case No. 6:06-CV-082</b>
<b>VS.</b>	§	
	§	<b>Davis</b>
<b>AMERIMERCHANT, LLC</b>	§	

**AGREED MOTION FOR EXTENSION OF TIME WITHIN  
WHICH TO FILE EXPERT REPORTS**

**TO THE HONORABLE LEONARD DAVIS:**

COME NOW Plaintiff, AdvanceMe, Inc. and Defendant Amerimerchant, and file this agreed motion for an extension of time within which to file their expert reports.

Last week, due to a family emergency regarding plaintiff's expert, AdvanceMe, Inc. asked whether the defendant Amerimerchant would agree to extend the date for expert reports from March 5<sup>th</sup> to March 7<sup>th</sup>. The defendants agreed and the plaintiff indicated that it would make a motion to that effect. Fortunately for plaintiff's expert, his emergency was resolved and he advised he no longer needed the time. However, by then the defendants' expert had been advised that the report would not be available until March 7<sup>th</sup>. Due to the confusion, the parties thereafter conferred and agreed to ask for the extension as originally agreed. Therefore, the parties respectfully move this Court to continue the deadline to submit their expert report up to and including March 7, 2007, with rebuttal reports being due on March 23, 2007. This Motion is not made for the purposes of delay or any other improper purpose.

Respectfully submitted:

By: /s/ Otis Carroll

Otis Carroll, Attorney-in-Charge

Texas State Bar No. 03895700

Deborah Race

State Bar No. 16448700

IRELAND, CARROLL & KELLEY P.C.

6101 South Broadway, Suite 500

Tyler, Texas 75703

Telephone: (903) 561-1600

Facsimile: (903) 581-1071

Email: [Fedserv@icklaw.com](mailto:Fedserv@icklaw.com)

ATTORNEYS FOR PLAINTIFF ADVANCEME,  
INC.

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Ronald S. Lemieux (*Admitted Pro Hac Vice*)

Daniel B. Pollack (*Admitted Pro Hac Vice*)

Five Palo Alto Square, Sixth Floor

Palo Alto, CA 94306-2155

Telephone: (650) 320-1800

Telecopier: (650) 320-1900

Email: [ronlemieux@paulhastings.com](mailto:ronlemieux@paulhastings.com)

Elizabeth L. Brann (CA Bar No. 222873)

3579 Valley Centre Drive

San Diego, CA 92130

Telephone: (858) 720-2500

Telecopier: (858) 720-2555

ATTORNEYS FOR PLAINTIFF ADVANCEME, INC.

**CERTIFICATE OF CONFERENCE**

On February 28, 2007, Mike Edelman conferred with Bill Schuurman and Joey Gray regarding the filing of this motion and all parties were in agreement. Thereafter, on March 5, 2007, Robert Matz confirmed with Joey Gray that the parties were still in agreement and did not oppose the filing of this motion.

/s/Deborah Race

Deborah Race

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 6<sup>th</sup> day of March, 2007.

/s/ Otis Carroll

Otis Carroll